

## **REMARKS**

Claims 1-30 were pending and presented for examination and in this application. In an Office action dated April 20, 2005, claims 1-30 were rejected. Applicants thank Examiner for examination of the claims pending in this application and address Examiner's comments below.

Applicants are amending claim 1 in this Amendment and Response. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution of the application in a manner consistent with the Patent Office Business Goals, 65 Fed. Reg. 54603 (Sept. 8, 2000). In making these amendments, Applicants have not and do not narrow the scope of the protection to which Applicants consider the claimed invention to be entitled and do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

Based on the Amendments herein and the Remarks that follow, Applicants respectfully request that Examiner reconsider all outstanding objections and rejections, and withdraw them.

### **Response to Rejection Under 35 USC 103(a) in View of Conmy, Schuster, and Rubert**

In paragraph 1 of the Office Action, the Examiner rejects claims 1-30 under 35 USC § 103(a) as allegedly being unpatentable in view of Conmy, Schuster, and Rubert. This rejection is traversed.

Applicants herein amend claim 1. No claims are canceled. Claims 1-30 are now pending in this application.

Representative claim 1 recites:

A method of using a wireless scheduling device to determine availability for a set of attendees, the method comprising:

communicating an availability request from a user to a server to view an availability data set for the set of attendees using the wireless scheduling device, the server having access to the calendar data for each attendee in the set of attendees and to an indication of whether the attendee has granted the user permission to view the attendee's availability data; and

receiving, by the wireless scheduling device from the server, the availability data set corresponding to those attendees who have granted permission to view the attendee's availability data.

Thus, the claimed invention beneficially includes the transmission of calendar data *from a wireless scheduling device and the selective viewing of attendee availability data based upon permission settings*. By providing these elements, the present invention adds a level of convenience and security/privacy not disclosed in the cited references.

In contrast to the claimed invention, the combination of the cited references fail to disclose, suggest, or teach the use of a calendaring system accessed via a wireless device and having permissions to control access to availability data over a publicly accessible communication medium, for example, the Internet. Conmy, the base cited reference relied upon by the Examiner, discloses “[a] system for scheduling time intervals for a plurality of users on a network.” Conmy, Abstract. Among the failures of Conmy, as the Examiner correctly notes, are the lack of disclosure with respect to a wireless device or the use of permissions to control access to the attendee's availability data.

The second cited reference, Schuster, fails to correct the deficiencies of Conmy. Schuster discusses “[a] system and method for using a portable information device, such as a

personal digital assistant, to establish a conference call on a telephony network.” Schuster, Abstract. Examiner states that “Conmy’s place [for bringing together participants] is physical while Schuster’s place is primarily electronic,” Office action p. 4. However, the distinction is much more significant. Specifically, Schuster deals with immediate connections for establishing a conference call; it has no notion of any sort of the calendaring or scheduling of an event, as is claimed. Instead of looking at calendar availability information, the conference call setup of Schuster is based merely upon the traditional telephone identifiers of the desired participants, without in the least taking participant schedules into account. See, e.g., Schuster col. 7, lines 5 to col. 8, line 4. Thus, even if combined, the combination of Conmy and Schuster at best provides a desktop calendaring system that each user would look at to realize they have a conference call and then turn to their PID to find the number to start the call through their desktop telephone system. There is no scheduling linkage between the two references except for serial activity in which one device gives information on one activity (i.e., I have a call scheduled) and the other device is used to do a separate activity (i.e. placing the conference call). Moreover, as the Examiner correctly notes, the combination of Conmy and Schuster also fails to disclose “receiving by the scheduling device from the server the availability data set only for those attendees who have granted permission to view the attendee’s availability data.”

The final reference cited by Examiner, Rubert, also fails to address the deficiencies of Conmy as well as Schuster, both alone and in combination. Rubert discusses “[a] system for efficiently retrieving information from one of several databases.” Rubert, Abstract. Rubert does not deal with calendaring and scheduling; rather, it focuses on the problem of accessing multiple conventional databases (e.g. “payroll, sales, and manufacturing schedules”, col 1,

lines 15-16), where a user is interactively presented with a list of queries permitted based on the user's identity and the database permissions and where the queries are not executed until selected from the list by the user.

The permissions in Rubert are used, not at the level of individual records, but at the level of an entire database, to determine whether or not any of the queries associated with that database may be executed at all. By contrast, the permissions of the present invention do not prevent the entire availability data search from being executed; rather, they filter the results of the query by removing the availability data of individual users from consideration when the server determines that the attendee has not granted access to the user. Thus, Rubert does not allow for the ability to exclude individual units of availability data from the final results, but rather only allows for the ability to execute the search on all the attendee availability data, or none at all.

Indeed, even if Rubert were combined with the other references, it would not result in the present invention. The combination of Conmy, Schuster, and Rubert would at best provide a system where the calendar information would remind users of when a conference call should be made, where the user would be presented with a list of the attendee calendar information that he or she is allowed to access based on the permission settings and prompted for which attendee information to examine, and where the user would then use a PDA to make the conference call. This is in marked contrast to the transparent system of the present invention, which examines all attendee calendar information and automatically filters out the inaccessible information.

This is not what Applicants claim. Therefore, for at least these reasons, Applicants respectfully submit that claim 1 is patentably distinguishable over the cited references.

Likewise, independent claims 14, 22, and 28 are analogous to claim 1 and include limitations similar to those that have been noted in the above discussion, and the arguments set forth above are equally applicable. Claims 14, 22, and 28 are therefore likewise believed to be in a condition for allowance.

Claims 2-13, 15-21, 23-27, and 29-30 are dependent claims depending from claims 1, 14, 22, and 28 and incorporating all of the limitations discussed above and further reciting additional features and limitations. Since these claims are dependent on independent claims 1, 14, 22, and 28, all arguments advanced above with respect to the independent claims are hereby incorporated so as to apply with equal force to claims 2-13, 15-21, 23-27, and 29-30.


Based on the above Amendment and Remarks, Applicants respectfully submit that for at least these reasons claims 1-30 are patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

### Conclusion

In sum, Applicants respectfully submit that claims 1 through 30, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

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Respectfully Submitted,  
LEO PARKER, et al.  
By: 

Rajiv P. Patel, Attorney of Record  
Registration No. 39,327  
FENWICK & WEST LLP  
801 California Street  
Mountain View, CA 94041  
Phone: (650) 335-7607  
Fax: (650) 938-5200